

Although it may be too late for the grand jury on Wednesday, there is an important step that needs to be taken in defense of Georgia militia activists Starr and McCranie, and in pursuit of constitutional compliance.

Nancy Lord, or Starr or McCranie directly, needs to file formal criminal charges against the federal agents and infiltrators for violation of 18 USC 241 and 242, then demand that the accused be arrested, arraigned, and those charges presented to the same grand jury for indictment, filing for a Writ of Mandamus to compel it over the expectable opposition of the prosecution. Persons have the right to present cases directly to the grand jury, and that right needs to be pursued in this case.

18 USC 241 makes it a felony for government officials or their agents to conspire to deprive someone of his civil rights, and 18 USC 242 makes it a felony to deprive someone of his civil rights under color of law. The informants in this case were acting on behalf of government agents, and therefore, under established precedents, were government agents themselves liable under the statute.

In the event the prosecution declines to prosecute, Dr. Lord then needs to pursue the avenue of private prosecution, which is established under English and American common law, although long neglected in the United States. In surveying the legal codes of the United States and of several states, I find no law which prohibits such private prosecution, and sufficient precedent to authorize it.

Basically, private prosecution is conducted like any criminal trial, in that the charges and potential verdicts are criminal, but like a civil trial in that the prosecution and court costs are paid for by private parties, that

is, by the complainant or other interested party. We would have to raise the money to do that. The court would have to approve the prosecutor nominated by the complainant, but could not, constitutionally, forbid the proceeding.

It is time to break some new legal ground, and this could provide the test case.

--Jon